



JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROLEX WATCH U.S.A., INC.,

Plaintiff,

vs.

WATCH EMPIRE LLC, et al.,

Defendants.

Case No. 2:13-09221-SJO-FFM

**FINAL JUDGMENT**

**FINAL JUDGMENT**

Upon review of the court files, the application for default judgment, the declarations submitted in support of the default judgment, and the evidence presented having been fully considered, it is hereby ordered and adjudged that Rolex shall have **JUDGMENT** in its favor and against Watch Empire LLC d/b/a Time and Gems ("Watch Empire"), Horological Appraisal Group ("HAG"), Michael Davidi ("Davidi"), and Ilana Cohanim ("Cohanim") on Rolex's claims for: (i) Trademark Counterfeiting under 15 U.S.C. § 1114; (ii) Trademark Infringement under 15 U.S.C. § 1114; and (iii) False Designation of Origin, False Descriptions, and Unfair Competition under 15 U.S.C. § 1125.

Watch Empire, HAG, Davidi, Cohanim, and their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice

1 of this injunction by personal service or otherwise, are **HEREBY PERMANENTLY ENJOINED**  
2 from:

- 3 A. Using any reproduction, counterfeit, copy or colorable imitation of the Rolex  
4 Trademarks to identify any goods or the rendering of any services not authorized by  
5 Rolex, including, but not limited to, using any reproduction, counterfeit, copy or  
6 colorable imitation of the Rolex Trademarks in connection with the advertisement,  
7 promotion, offering for sale, or sale of watches altered with non-genuine parts or  
8 components consisting of cases, bezels, bracelets, dials, and/or exterior coatings;
- 9 B. Engaging in any course of conduct likely to cause confusion, deception or mistake,  
10 or injure Rolex's business reputation or dilute the distinctive quality of the Rolex  
11 Trademarks;
- 12 C. Using a false description or representation including words or other symbols tending  
13 to falsely describe or represent Defendants' unauthorized goods or services as  
14 being those of Rolex or sponsored by or associated with Rolex and from offering  
15 such goods and services in commerce; and,
- 16 D. Using or continuing to use the Rolex Trademarks or trade names in any variation  
17 thereof on the Internet (either in the text of a website, or as a keyword, search word,  
18 metatag, or any part of the description of the site) in connection with any goods or  
19 services not authorized by Rolex.

20 Further, the Court **HEREBY ORDERS** Watch Empire, HAG, Davidi, and Cohanim as  
21 follows:

- 22 A. Within ten (10) days of entry of this judgment, Defendants shall take all steps  
23 necessary to remove from their websites (including www.timeandgems.com,  
24 www.timeandgems.info, and www.watchempiredesigns.com), or any other website  
25 containing content posted by Defendants, whether or not owned or operated by  
26 Defendants, all text offering for sale counterfeit or infringing Rolex products and all  
27 Rolex Trademarks or copies or colorable imitations thereof used to identify  
28 nongenuine Rolex products;

- B. Within thirty (30) days of entry of this judgment, Defendants shall file and serve upon Rolex a sworn statement setting forth in detail the manner and form in which they have complied with this injunction pursuant to 15 U.S.C. § 1116(a);
  - C. Within thirty (30) days of entry of this judgment, Defendants shall pay to Rolex statutory damages under 15 U.S.C. § 1117(c) in the sum of \$5,000,000, which constitutes \$1,000,000 for each of the five counterfeit trademarks (ROLEX, CROWN DESIGN, DATEJUST, OYSTER PERPETUAL and SUBMARINER) that Defendants willfully used in connection with Defendants' non-genuine Rolex watches;
  - D. Within thirty (30) days of entry of this judgment, Defendants shall deliver up for destruction to Rolex all material bearing the Rolex Trademarks in association with unauthorized goods or services and the means for production of same pursuant to 15 U.S.C. § 1118;
  - E. Pursuant to 11 U.S.C. § 523(a)(6), Defendants are prohibited from a discharge under 11 U.S.C. § 777 for malicious, willful and fraudulent injury to Rolex; and
  - F. Within thirty (30) days of entry of this judgment, Defendants shall pay to Rolex attorneys' fees under 15 U.S.C. § 1117(a) in the sum of \$103,600, the amount of which has been calculated according to Local Rule 55-3.

IT IS SO ORDERED.

Dated: September 29, 2015

S. James Oten

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S. JAMES OTERO  
UNITED STATES DISTRICT JUDGE